

HAND DELIVERED

November 19, 2003

Mary L. Cottrell
Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: DTE 03-60 Triennial Review Order Proceeding

Dear Ms. Cottrell:

Please accept this letter as Conversent Communications of Massachusetts, LLC's response to Hearing Examiner Foley's request for proposed procedural schedules for the remainder of the Department's Investigation in the above captioned matter. Conversent will limit its proposal for scheduling to i) the impairment case for loops and transport, and ii) hot cuts.

A.) Application of the FCC's Impairment Triggers for Loops and Transport

Conversent has made a preliminary review of Verizon's Initial Panel Testimony in connection with the application of the FCC's Impairment Triggers for Transport. It has been difficult for Conversent to ascertain the basis of Verizon's triggers case for transport because, so far as Conversent can tell, no where does Verizon identify the three competing carriers that have self-deployed dark fiber or DS-3 dedicated transport between specific ILEC switches or wire centers (required for the self-provisioning triggers). Nor does Verizon identify the two competing carriers that they allege have deployed their own dark fiber, DS-1 and DS-3 transport between ILEC central offices and who offer wholesale dark fiber, DS-1, and DS-3 transport along the same route (required for the wholesale triggers). Nor does Verizon separately identify whether the 194 dedicated transport routes that it says meet the triggers are met with respect to dark fiber, DS-1 or DS-3 transport. Rather, these varying levels of capacity are all bundled together.

As a result, it is going to take Conversent and other carriers that are currently relying on ILEC provided unbundled transport sufficient time to propound to Verizon and other carriers discovery requests that unravel Verizon's case and make sure that the triggers for dark fiber, DS-1 and DS-3 dedicated transport are properly applied. Given that there are 194 potential routes at issue, this will take time. Conversent will, of course, make a concerted effort to limit its discovery to data that is necessary and relevant to understand Verizon's case and to make sure that the FCC's Impairment Triggers for Loops and Transport are applied properly.

Conversent urges that the Department provide sufficient time to take this discovery and to receive responses before its responsive testimony pertaining to the triggers case for dedicated transport is due. Given that Conversent is involved in similar proceedings in other states, Conversent estimates that it needs approximately two months for this purpose, or until January 21, 2004. Conversent suggests that the Department hold a procedural/technical conference after the filing of CLEC responsive testimony to determine the schedule for the remainder of the proceeding for loops and transport.

B.) Hot Cuts

Conversent has not yet had an opportunity to review Verizon's hot cut filing. If it has, Conversent intends to put on a responsive case. Conversent proposes the following procedural schedule for this track of the proceeding:

November 24, 2003	Discovery period begins on Verizon's hot cut cost studies and supporting testimony
January 21, 2004	CLEC Reply Case
January 28, 2004	Discovery period begins on CLEC reply cases
Mid-March and April as Needed	Hot Cut Hearings
May 21, 2004	Hot Cut Briefs
June 4, 2004	Hot Cut Reply Briefs
July 2, 2004	Decision

Respectfully Submitted,

Scott Sawyer
Vice President of Regulatory Affairs
Conversent Communications of Massachusetts, LLC

SS/cw

cc: Service List

Berhane Adhanom
Peter Allen
Deb Conklin
Paula Foley (2 copies)
Mike Isenberg
April Mulqueen
Ashish Shresta